

**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN THE MATTER OF:**

**CHAPTER 13 CASE NO.:**

**ANTONEY ALEXANDER**

**23-11279-JDW**

**OBJECTION TO CONFIRMATION**

COMES NOW Locke D. Barkley, Chapter 13 Trustee, by and through counsel, and files this Objection to Confirmation (the "Objection") and in support states as follows:

1. The Debtor<sup>1</sup> initiated this proceeding with the filing of a voluntary petition for relief on April 27, 2023. The Chapter 13 plan (Dkt. #11) (the "Plan") was filed on May 11, 2023.

2. The Debtor is above median income and has proposed a plan term of 60 months. In Section 5.1 of the Plan the Debtor proposes no distribution to nonpriority unsecured creditors and states that the liquidation value is \$32,535.91.

3. The Debtor did not timely commence plan payments as required by §1326(a)(1). Through the month of June 1, 2022, the Debtor is delinquent in plan payments in the amount of \$5,258.00. Payments continue to accrue at the rate of \$5,258.00 per month thereafter. The Trustee alleges the Debtor will be unable to make all payments due under the Plan, as required by §1325(a)(6).

4. This case is the Debtor's third consecutive filing<sup>2</sup> since September 13, 2019. The Trustee alleges that the filing of this petition was not in good faith as required by §1325(a)(7).

5. Pursuant to the Agreed Order Granting Motion to Extend the Automatic Stay (Dkt. #19) entered herein on May 23, 2023, should the Debtor become 60 days or more delinquent in plan payments, calculated from June 1, 2023, this case would be subject to

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<sup>1</sup> The above-referenced Debtor or Debtors shall be referred to herein in the singular as Debtor unless specified otherwise (e.g., Debtor1 or Debtor2).

<sup>2</sup> *In re Antoney Alexander*, Case No., 19-13708, filed on September 13, 2019, and dismissed on July 23, 2020; and *In re Antoney Alexander*, Case No., 20-12456, filed on August 2, 2020, and dismissed on February 17, 2023.

dismissal. Additionally, if this case were to be dismissed for any reason the Debtor would be prohibited from filing a bankruptcy case for a period of 180 days.

6. According to Form 122C-2 Chapter 13 Calculation of Your Disposable Income (Dkt. #13, Pg. 11), the Debtor's monthly disposable income (i.e., projected disposable income) is \$2,171.14. Therefore, the total amount available for distribution to nonpriority unsecured claims is \$130,268.40<sup>3</sup>. The distribution provided for in Section 5.1 is less than the Debtor's projected disposable income. The Plan does not meet the requirement of §1325(b)(1)(B).

7. Should there be any secured or priority claims filed which are not provided for in the Plan the Trustee alleges that the Plan would not meet the requirement of §1325(a)(1) and would require an amendment.

8. The Trustee requests that confirmation of the Plan be denied and the bankruptcy case dismissed.

WHEREFORE, PREMISES CONSIDERED, Locke D. Barkley, Chapter 13 Trustee, prays that upon notice and hearing that this Court enter its order sustaining the Trustee's Objection and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: July 11, 2023

Respectfully submitted,  
LOCKE D. BARKLEY, TRUSTEE

BY: /s/ W. Jeffrey Collier  
W. JEFFREY COLLIER, ESQ.  
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<sup>3</sup> \$2,171.14 x 60 = \$130,268.40

**CERTIFICATE OF SERVICE**

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: July 11, 2023

/s/ W. Jeffrey Collier  
W. JEFFREY COLLIER